

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MOBILITY WORKX, LLC,

Plaintiff,

v.

**CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,**

Defendant.

Civil Action No.: 4:17-CV-00872-ALM

JURY TRIAL DEMANDED

UNOPPOSED MOTION TO CONTINUE FINAL PRETRIAL CONFERENCE

Defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon”) respectfully seeks a short continuance—perhaps as little as one week or less—of the Final Pretrial Conference in the above captioned case.

The Final Pretrial Conference in this case is currently set for October 10, 2019. Verizon’s lead counsel, Ross Barton, is currently scheduled to try a case on behalf of Verizon before Judge Gilstrap starting on October 3, 2019. Based on the time limits imposed by Judge Gilstrap in that case, Verizon estimates that the case will be submitted to the jury by October 10, 2019. A brief continuance of the Final Pretrial Conference in this case to the next week in October is respectfully requested to accommodate the conflict created by the recent rescheduling of the case before Judge Gilstrap.

The case before Judge Gilstrap is *Fractus, S.A. v. T-Mobile US, Inc., et al.*, Case No. 2:19-cv-255-JRG (E.D. Tex.) (“the -255 Case”). Verizon is one of the defendants in the case. The -255 case was created by the severance and consolidation of multiple cases involving the same plaintiff, which were consolidated into a lead case captioned as *Fractus, S.A. v. AT&T Mobility LLC, et al.*,

Case No. 2:18-cv-135-JRG (E.D. Tex.). The -255 case was created on July 24, 2019, by Judge Gilstrap, at which point Judge Gilstrap scheduled jury selection to occur on September 9, 2019. On August 13, 2019, the Court reset jury selection to October 3, 2019. Judge Gilstrap held a Pretrial Conference in the -255 case on September 3, 2019, at which time he gave the parties instructions for Jury Selection and Trial, including the time limitations imposed on the sides by the Court. (Dkt. No. 642 in the -255 case.) At this time, based on the best information available to Verizon, it is highly unlikely that the -255 case will either be resolved before trial or that Judge Gilstrap will move the trial date.

Verizon respectfully requests a short continuance of the Final Pretrial Conference in this case to the next available date on the Court's calendar to allow its lead counsel, Ross Barton, to participate in the Final Pretrial Conference in this case. In addition, a brief continuance would allow Verizon's in-house counsel managing this case as well as the -255 case, Ms. Bukola Landis-Aina, to be present at both the trial in the -255 case and the Final Pretrial Conference in this case. Verizon does not believe that a short continuance would impact any subsequent dates in this case, and counsel for Mobility Workx, LLC, does not opposing a brief continuance of the Final Pretrial Conference in this case.

Dated: September 19, 2019

Respectfully submitted,

By: /s/ E. Leon Carter
E. Leon Carter (TX Bar No. 03914300)
Scott W. Breedlove (TX Bar No. 00790361)
CARTER ARNETT PLLC
8150 N. Central Expressway, Suite 500
Dallas, TX 75206
Phone: (214) 550-8188
Fax: (214) 550-8185
lcarter@carterarnett.com
sbreedlove@carterarnett.com

Ross R. Barton (NC Bar No. 37179)
ALSTON & BIRD LLP
101 South Tyron Street, Suite 4000
Charlotte, North Carolina, 28280
Phone: (704) 444-1000
Fax: (704) 444-1111
ross.barton@alston.com

Michael J. Newton (TX Bar No. 24003844)
ALSTON & BIRD LLP
950 Page Mill Road
Palo Alto, CA 94304
Phone: (650) 838-2000
Fax: (650) 838-2001
mike.newton@alston.com

Sang (Michael) Lee (TX Bar No. 24083378)
ALSTON & BIRD LLP
2200 Ross Avenue, Suite 2300
Dallas, Texas 75201
Phone: (214) 922-3400
Fax: (214) 922-3899
michael.lee@alston.com

Darlana H. Subashi (NC Bar No. 53142)
ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016
Phone: (212) 210-1277
Fax: (212) 210-9444
darlena.subashi@alston.com
*Admitted to practice in North Carolina and
Massachusetts only.

*Attorneys for Defendant Cellco Partnership,
D/B/A Verizon Wireless*